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Attorneys for Plaintiff

Attorneys for Defendant HTC AMERICA,  
INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAUREEN BRIGGS, as an Individual and  
on behalf of the Class,

Plaintiff,

v.

CARRIER IQ, INC.; HTC  
CORPORATION; HTC AMERICA, INC.;  
SAMSUNG ELECTRONICS CO., LTD.

Defendants.

CASE NO. CV-11-6338-LB

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT AND  
CONTINUE DEADLINES; [~~PROPOSED~~]  
ORDER**

1 In support of this Stipulation, the parties state as follows:

2 WHEREAS, the above-referenced Plaintiff filed the above-captioned case;

3 WHEREAS, the above-referenced Plaintiff alleges violations of the Federal  
4 Wiretap Act and other laws by the defendants in this case;

5 WHEREAS, over 70 other complaints have been filed to-date in federal district  
6 courts throughout the United States by plaintiffs purporting to bring class actions on behalf of  
7 cellular telephone and other device users on whose devices software made by Defendant Carrier  
8 IQ, Inc. ("Carrier IQ") is or has been embedded (collectively, including the above-captioned  
9 matter, the "CIQ cases");

10 WHEREAS, requests are pending before the Judicial Panel on Multidistrict  
11 Litigation ("JPML") to transfer the CIQ cases for coordinated and consolidated pretrial  
12 proceedings pursuant to 28 U.S.C. Sec. 1407 (the "MDL Motion"), responses to the motions  
13 supporting coordination or consolidation have been filed, and the JPML heard oral argument on  
14 March 29, 2012;

15 WHEREAS, on January 20, 2012, Carrier IQ filed a Stipulation to continue Carrier  
16 IQ's date to respond to the Complaint to forty-five days after the JPML rules on the MDL Motion  
17 (Dkt. No. 7);

18 WHEREAS, on February 24, 2012, this Court granted that Stipulation (Dkt. No.  
19 11);

20 WHEREAS, on April 3, 2012, counsel for Defendant HTC America, Inc. ("HTC  
21 America") agreed to accept service of summons and complaint on behalf of HTC America;

22 WHEREAS, in light of the pending MDL Motion and to facilitate an orderly  
23 schedule for responding to the pleadings in the CIQ Cases, the parties have agreed that the  
24 deadline for HTC America to answer, move, or otherwise respond to the Complaint shall be  
25 extended until forty-five days after the Panel issues an order deciding the MDL Motion, or as  
26 otherwise ordered by the MDL transferee court if the MDL Motion is granted; *provided*,  
27 however, that in the event that HTC America should agree to an earlier response date in any of  
28 the CIQ Cases, HTC America will respond to the complaint in the above-captioned case on that

1 earlier date;

2 WHEREAS, in light of the pending MDL Motion, the parties have agreed that the  
3 dates currently set for ADR certification and selection (April 19, 2012), initial disclosures and the  
4 filing of Rule 26(f) reports (May 3, 2012), and the Initial Case Management Conference (May 10,  
5 2012), should be continued until further order from this Court, or as otherwise ordered by the  
6 MDL transferee court if the MDL Motion is granted;

7 WHEREAS, this Stipulation does not constitute a waiver by HTC America of any  
8 defense, including but not limited to the defenses of lack of personal jurisdiction, lack of subject  
9 matter jurisdiction, improper venue, sufficiency of process or service of process;

10 WHEREAS, Plaintiff and HTC America agree that they are complying with and  
11 will continue to comply with all of their evidence preservation obligations under governing law,  
12 and that the delay brought about by this Stipulation should not result in the loss of any evidence;

13 NOW THEREFORE, Plaintiff and HTC America, by and through their respective  
14 counsel of record, hereby stipulate as follows:

15 The deadline for HTC America to answer, move, or otherwise respond to the complaint in  
16 the above-captioned case shall be extended until forty-five days after the Judicial Panel on  
17 Multidistrict Litigation issues an order deciding the MDL Motion, or as otherwise ordered by the  
18 MDL transferee court if the MDL motion is granted; *provided*, however, that in the event that  
19 HTC America should agree to an earlier response date in any of the MDL Cases, HTC America  
20 will respond to the complaint in the above captioned-case on that earlier date.

21 The dates currently set for ADR certification and selection, initial disclosures and the  
22 filing of Rule 26(f) reports, and the Initial Case Management Conference are continued until  
23 further order from this Court, or as otherwise ordered by the MDL transferee court if the MDL  
24 motion is granted.

25 This Stipulation does not constitute a waiver by HTC America of any defense, including  
26 but not limited to the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction,  
27 improper venue, sufficiency of process, or service of process.

1 IT IS SO STIPULATED.

2  
3 DATED: April 3, 2012

MORELLI RATNER PC

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5  
6 By: /s/ David Ratner

David Ratner  
Attorneys for Plaintiffs

7  
8 DATED: April 3, 2012

MUNGER, TOLLES, & OLSON LLP

9  
10 By: /s/ Bryan H. Heckenlively

Bryan H. Heckenlively  
Attorneys for Defendant  
HTC America, Inc.

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 4, 2012



Hon. Laurel Beeler  
United States Magistrate Judge

The Case Management Conference on May 10, 2012 at 10:30 a.m. is hereby  
VACATED and reset to July 26, 2012 at 10:30 a.m. A Joint Case Management  
Conference Statement due by July 19, 2012.